

**MINUTES OF THE  
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**  
Wednesday, July 20, 2011 – 8:20 a.m. – Room 20 House Building

**Members Present:**

Sen. Allen M. Christensen, Senate Chair  
Rep. Paul Ray, House Chair  
Sen. Patricia W. Jones  
Sen. Mark B. Madsen  
Sen. Stuart C. Reid  
Sen. Luz Robles  
Rep. David Clark  
Rep. Tim M. Cosgrove  
Rep. Bradley M. Daw  
Rep. Wayne A. Harper  
Rep. Dean Sanpei

Rep. Evan J. Vickers  
Rep. Christine F. Watkins

**Members Absent:**

Rep. Ronda Rudd Menlove

**Staff Present:**

Mr. Mark D. Andrews, Policy Analyst  
Ms. Cathy Dupont, Associate General Counsel  
Ms. RuthAnne Frost, Associate General Counsel  
Ms. Kimberly A. Heiner, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Christensen called the meeting to order at 8:30 a.m.

**MOTION:** Rep. Daw moved to approve the minutes of the June 15, 2011 meeting. The motion passed unanimously, with Sen. Madsen, Sen. Robles, Rep. Clark, Rep. Harper, and Rep. Watkins absent for the vote.

A statutorily required report was distributed to the Committee from the Utah Division of Substance Abuse and Mental Health entitled "Program Audits and Reviews of Substance Abuse and Mental Health Authorities and Contract Providers."

Chair Christensen said the Committee's September meeting will be at the University of Utah Medical Center to focus on prescription drug abuse.

**2. Role of Medical Examiner in Highway Related Deaths**

Dr. Todd C. Grey, M.D., Chief Medical Examiner, Office of the Medical Examiner, Utah Department of Health, recommended that the Committee amend Title 26, Chapter 4, Utah Medical Examiner Act to allow highway accident deaths to be treated the same as other accidental deaths. He stated that Utah's current law excludes a high percentage of highway deaths from investigation by his office. He said this puts a big strain on other areas such as emergency rooms, as they are often required to determine cause of death. Dr. Grey said another conflict occurs when funeral homes try to find someone to sign the death certificate so the family can proceed with insurance and burial provisions. He explained that if all highway deaths were under the Medical Examiner's jurisdiction, the state could have a better understanding of what factors contributed to these deaths and could help prevent future deaths. Dr. Grey then responded to questions from the Committee.

Ms. Dupont said that her interpretation of Utah Code Section 26-4-7 does provide for different treatment in the event of a highway death, but that the highway patrol can be called to do a medical examination.

Mr. Michael Rapich, Utah Highway Patrol, said that a large amount of the Utah Highway Patrol's investigations are for highway accident deaths and that the current law is cumbersome. He stated that troopers, who are not medical examiners, are often required to determine cause of death and forensic evidence is not collected. He gave several examples in the statute of where confusion over who has jurisdiction over unattended deaths has been problematic.

Dr. David Patton, Utah Department of Health, said the Utah Department of Health has worked with the Department of Safety on this issue. He stated that on the scene of the accident people are hesitant to sign a death certificate because they are not able to investigate the death. Dr. Patton said that last spring the Utah Department of Health made an agreement with the Utah Highway Patrol that when an investigation needs to be done, the Utah Highway Patrol will refer that case to the Office of the Medical Examiner. He stated that this agreement is temporary and will last only until the Legislature makes a permanent change to the law. He responded to questions from the Committee.

Mr. Dave Gessel, Utah Hospital Association, said the association is supportive of solving this issue and that hospitals are saying the difficulty of obtaining a death certificate in highway deaths is an increasing issue.

Dr. Grey said that the cleanest solution to the problem would be to eliminate the exclusion of highway accidents in Utah Code Section 26-4-7(1). He stated that the change could increase annual medical examiner costs by \$290,000 and annual state laboratory costs by \$87,000.

### **3. Licensing Standard for Exercise Physiologists**

Rep. Ray gave an overview of the need to look at a licensing standard for exercise physiologists.

Ms. Dupont said the Occupational and Professional Licensure Review Committee is available to review requests for professional licensing standards. She also said that while it is not a requirement to go through the Committee, bypassing it could postpone any proposed legislation.

Rep. Ray said that the Occupational and Professional Licensure Review Committee is difficult to get through and is not always staffed. He also said that there is a fee to have a hearing with the committee.

Chair Christensen said the Health and Human Services Interim Committee would investigate this issue further if a legislator wanted to sponsor a bill to repeal the Occupational and Professional Licensure Review Committee, or sponsor a bill to license exercise physiologists.

### **4. Adjourn**

**MOTION:** Rep. Ray moved to adjourn. The motion passed unanimously.

Chair Christensen adjourned the meeting at 9:15 a.m.